OPERATION REPORTED
U.S. ARMY ANTI-WAR FORCES,
YEARS

FILES VS CITIZENS

Helms Reportedly Got Surveillance Data in Charter Violation

BY SEYMOUR M. HERSH

x

American citizens [illegible] said, but were [illegible] of domestic activities were secretly carried out as part of operations aimed at suspected foreign intelligence agents operating [illegible] States.

Under the 1947 act [illegible] up the C.I.A. the agency was forbidden to have "police, subpoena, law enforcement powers or internal security functions inside the United States. Those responsibilities fall to the F.B.I., which maintains a special internal security unit to deal with foreign intelligence threats.

Mr. Helms, who left the C. I. A. in February, 1973, for his new post in Teheran, could not be reached despite telephone calls there yesterday and today.

Network of Informants

Charles Cline, a duty officer at the American Embassy in Teheran, said today that a note informing Mr. Helms of the request by The Times for comment had been delivered to Mr. Helms's quarters this morning. By late evening Mr. Helms had not returned the call.

"This is explosive, it could destroy the agency," one official with access to details of the alleged domestic spying on dissidents said in an interview.

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He described the program as similar in intent to the Army domestic surveillance programs that were censured by Congress four years ago.

"There was no excuse for what the agency did," the source said. "What you had was an insulated secret police agency not under internal question or audit."

The disclosure of alleged illegal C.I.A. activities is the first confirmation of rumors that have been circulating in Washington for some time. A number of mysterious burglaries and incidents have come to light since the breakin at Democratic party headquarters in the Watergate complex on June 17, 1972.

Thoughout the public hearings and courtroom testimony on Watergate, Mr. Helms and other high-level officials insisted that the C.I.A. had been [illegible] involved [illegible] Nixon [illegible] Office.

[illegible] agents [illegible] program [illegible] C.I.A. [illegible] informants who were [illegible] to penetrate [illegible] groups, the sources said.

At least one avowedly [illegible] member of Congress was among those placed under surveillance by the C.I.A., the sources said. Other members of Congress were said to be included in the C.I.A.'s dossiers on dissident Americans.

The names of the various Congressmen could not be learned, nor could any specific information about domestic C.I.A. break-ins and wiretappings be obtained.

It also could not be determined whether Mr. Helms had had specific authority from top aides to initiate the alleged domestic surveillance, or whether Mr. Helms had informed the President of the fruits, if any of the alleged operations.

Distress Reported

These alleged activities are known to have distressed both Mr. Schlesinger, now the Secretary of Defense, and Mr. Colby. Mr. Colby has reportedly told associates that he is considering the possibility of asking the Attorney General to institute legal action against some of those who had been involved in the clandestine domestic activities.

One official, who was directly involved in the initial C.I.A. inquiry last year into the alleged domestic spying, said that Mr. Schlesinger and his associates were unable to learn what Mr. Nixon knew, if anything.

Mr. Colby refused to comment on the domestic spying issue. But one clue to the depth of his feelings emerged during an off-the-record talk he gave Monday night at the Council on Foreign Relations in New York.

The C.I.A. chief, who had been informed the previous week of the inquiry by The Times, said at the meeting that he had ordered a complete investigation of the agency's domestic activities and had found some improprieties.

But he is known to have added, "I think family skeletons [illegible]

[illegible] Mr. Schlesinger, who became [illegible] Defense after serving less than six months at the C.I.A., similarly refused to discuss the domestic spying activities.

But he was described by an associate as extremely concerned and disturbed by what he discovered at the C.I.A. upon replacing Mr. Helms.

"He found himself in a cesspool," the associate said. "He was having a grenade blowing up in his face every time he turned around."

The Ellsberg Affair

Mr. Schlesinger was at the C.I.A. when the first word of the agency's involvement in the September, 1971, burglary of the office of Dr. Daniel Ellsberg's psychiatrist by the White House security force known as the "plumbers" became known.

It was Mr. Schlesinger who also discovered and turned over to the Justice Department a series of letters written to Mr. Helms by James W. McCord Jr., one of the original Watergate defendants and a former C.I.A. security official. The letters, which told of White House involvement in the Watergate burglary, had been deposited in an agency office.

The associate said one result of Mr. Schlesinger's inquiries into Watergate and the domestic aspects of the C.I.A. operations was his executive edict ordering a halt to all questionable counterintelligence operations inside the United States.

During his short stay at the C.I.A., Mr. Schlesinger also initiated a 10 per cent employee cutback. Because of his actions, the associate said, security officials at the agency decided to increase the number of his personal bodyguards. It could not be learned whether that action was taken after a threat.

Many past and present C.I.A. men acknowledged that Mr. Schlesinger's reforms were harder to bear because he was an outsider.

Mr. Colby, these men said, while continuing the same basic organization inherited by the [illegible]

[illegible] by some [illegible] Mr. Colby because he was a former high-ranking official [illegible] the C.I.A.'s "Langley headquarters, he had the power to ensure that the alleged illegal domestic programs would cease.

[illegible] sources also reported that there was widespread [illegible] shredding at the agency shortly after Mr. Schlesinger began to crack down on the C.I.A.'s operations.

Asked about that, however, Government officials said that they could "guarantee" that the domestic intelligence files were [illegible]

[illegible] Times's information about the C.I.A.'s domestic operations [illegible] this week, high-ranking American intelligence officials confirmed its basic accuracy but cautioned against drawing "unwarranted conclusions."

Espionage Feared

Those officials, who insisted on not being quoted by name, contended that all of the C.I.A.'s domestic activities against American citizens were initiated in the belief that foreign governments and foreign espionage may have been involved.

"Anything that we did was in the context of foreign counterintelligence and it was focused at foreign intelligence and foreign intelligence problems," one official said.

The official also said that the requirement to maintain files on American citizens emanated in part from the so-called Huston plan. That plan, named for its author, Tom Charles Huston, a Presidential aide, was a White House project in 1970 calling for the use of such illegal activities as burglaries and wiretapping to combat antiwar activities and student turmoil that the White House believed was being "fomented"—as the Huston plan stated—by black extremists.

Former President Richard M. Nixon and his top aides have repeatedly said that the proposal, which had been adamantly opposed by J. Edgar Hoover, then the director of the Federal Bureau of Investigation, was never implemented.

Government intelligence officials did not dispute that assertion, but explained that, nonetheless, the C.I.A.'s decision to maintain domestic files on American citizens "obviously got a look at our time."

Yes, you can say that the C.I.A.'s contribution to the Hus-

Internal investigation prior to Tim's call on story.
Skeletons = non feasance, mal feasance

ton plan was [illegible] counterintelligence field," [illegible] official said.

'A Spooky Way'

"The problem is that it was handled in a very spooky way."

"If you're an agent sitting in Paris and you're asked to find out whether Jane Fonda is being manipulated by foreign intelligence services, you've got to ask yourself who is the real target," the official said. "Is it the foreign intelligence services or Jane Fonda?"

However, this official and others insisted that all domestic C.I.A. operations against American citizens had now ceased and that instructions had been issued to insure that they could not occur again.

A number of well-informed official sources, in attempting to minimize the extent of alleged wrongdoing posed by the C.I.A.'s domestic actions, suggested that the laws were fuzzy in connection with the so-called "gray" area of C.I.A.-F.B.I. operations — that is, when an American citizen is approached inside the United States by a suspected foreign intelligence agent.

The legislation setting up the C.I.A. makes the director "responsible for protecting intelligence sources and methods from unauthorized disclosure."

One official with close access to Mr. Colby contended at length in an interview yesterday that the C.I.A.'s domestic actions were not illegal because of the agency's legal right to prevent the possible revelation of secrets.

'Gray Areas'

"Look, you do run into gray areas," the official said, "and, unquestionably, some of this fell into the gray area. But the director does have an obligation to guard his sources and methods. You get some foreigner snooping around and you have to keep track."

"Let's suppose as an academic exercise, hypothetically," the official said, "that a foreigner believed to be an intelligence agent goes to a Washington newspaper office to see a reporter. What do you [the C.I.A.] do? Because it's a Washington newspaper office and a reporter, do you scratch that from the C.I.A.'s record?

"Sure, the C.I.A. was following the guy, but he wasn't an American."

A number of other intelligence experts, told of that example, described it as a violation of the 1947 statute and a clear example of an activity even if involving a foreigner from which the C.I.A. is barred.

Prof. Harry Howe Ransom, of Vanderbilt University, considered a leading expert on the C.I.A. and its legal and congressional authority, said in a telephone interview that in his opinion the 1947 statute in [illegible] a clear prohibition against any internal security functions under any circumstances."

Professor Ransom said that his research of the Congressional debate at the time the C.I.A. was set up makes clear that Congress expressed concern over any police state tactics and intended to avoid the possibility. Professor Ransom quoted one member as having said during floor debate, "We don't want a Gestapo."

Similar reservations about the C.I.A.'s role in domestic affairs were articulated by Mr. Colby during his confirmation hearings before the Senate Armed Services Committee in September, 1973.

Asked by Senator Stuart Symington, Democrat of Missouri, about the "gray" area in the 1947 legislation, Mr. Colby disavowed it, saying:

"My interpretation of that particular provision is that it gives me a charge but does not give me authority. It gives me the job of identifying any problem of protecting sources and methods, but in the event I identify one it gives me the responsibility to go to the appropriate authorities with that information and it does not give me any authority to act on my own.

'No Authority'

"So I really see less of a gray area [than Mr. Helms] in that regard. I believe that there is really no authority under that act that can be used."

Beyond his briefings for Senator John C. Stennis, Democrat of Mississippi, and Representative Lucien N. Nedzi, Democrat of Michigan, the respective chairmen of the Senate and House Intelligence subcommittees of the Armed Services Committees, Mr. Colby apparently had not informed other Ford Administration officials of yesterday of the C.I.A. problems.

"Counterintelligence!" one high-level Justice Department official exclaimed upon being given some details of the C.I.A.'s domestic operations. "They're not supposed to have any counterintelligence in this country."

"Oh, my God," he said, "oh, my God."

A former highlevel F.B.I. official who operated in domestic counterintelligence areas since World War I, expressed astonishment and then anger upon being told of the C.I.A.'s activities.

"We had an agreement with them that they weren't to do anything unless they checked with us," he said. "They double-crossed me all along."

He said he had never been told by his C.I.A. counterintelligence colleagues of any of the alleged domestic operations that took place.

Mr. Huston, now an Indianapolis attorney, said in a telephone conversation yesterday that he had not learned of any clandestine domestic C.I.A. activities while he worked in the White House.

Huston Disagrees

Mr. Huston took vigorous exception to a suggestion by intelligence officials that his proposed White House domestic intelligence plan resulted in increased pressure on the C.I.A. to collect domestic intelligence.

"There was nothing in that program that directed the C.I.A. to do anything in this country," Mr. Huston said. "There was nothing that they could rely on to justify anything like this. The only thing we ever asked them for related to activities outside the United States."

Two months ago, Rolling Stone magazine published a lengthy list of more than a dozen unsolved break-ins and burglaries and suggested that they might be linked to as yet undisclosed C.I.A. or F.B.I. activities.

Senator Howard H. Baker Jr., Republican of Tennessee, who was vice chairman of the Senate Watergate committee, has publicly spoken of mysterious C.I.A. links to Watergate. The White House transcripts of June 23, 1972, show President Nixon saying to H. R. Haldeman, his chief of staff, "Well, we protected Helms from being hell of a lot of things."

The remark, commented upon by many officials during recent interviews, could indicate Presidential knowledge about the C.I.A.'s domestic activities.

The possible Watergate link is but one of many questions posed by the disclosures about the C.I.A. that the Times sources say they believe can be resolved only by extensive Congressional hearings.

The C.I.A. domestic activities during the Nixon Administration were directed, the source said, by James Angleton, who is still in charge of the Counterintelligence Department, the agency's most powerful and mysterious unit.

As head of counterintelligence, Mr. Angleton is in charge of maintaining the C.I.A.'s "sources and methods of intelligence," which means that he and his men must insure that foreign intelligence agents do not penetrate the C.I.A.

The Times's sources, who included men with access to first-hand knowledge of the C.I.A.'s domestic activities, took sharp exception to the official suggestion that the agency's domestic activities were the result of legitimate counterintelligence needs.

"Look, that's how it started," one man said. "They were looking for evidence of foreign involvement in the antiwar movement. But that's not how it ended up. This just grew and mushroomed internally."

"Maybe they began with a check on Fonda," the source said, speaking hypothetically. "But then they began to check on her friends. They'd see her at an antiwar rally and take photographs. I think this was going on even before the Huston plan.

'Highly Coordinated'

This wasn't a series of isolated events. It was highly coordinated. People were targeted, information was collected on them, and it was all put on [computer] tape, just like the agency does with information about K.G.B. [Soviet] agents.

"Every one of these acts was blatantly illegal."

Another official with access to details of C.I.A. operations said that the illegal activities uncovered by Mr. Schlesinger last year included break-ins and electronic surveillance that had been undertaken during the fifties and sixties.

"During the fifties, this was routine stuff," the official said. "The agency did things that would amaze people today, but some of these activities went on in the late sixties, when the country and attitudes had changed."

The official suggested that what he called the "Nixon antiwar hysteria" may have been a major factor in the C.I.A.'s decision to begin maintaining domestic files on American citizens.

One public clue about the White House pressure for C.I.A. involvement in the intelligence efforts against antiwar activists came during Mr. Helms's testimony before the Senate Watergate committee in August, 1973.

Mr. Helms told how the President's Foreign Intelligence Advisory Board had once suggested that the agency would "make a contribution" in domestic intelligence operations.

'No Way'

"I pointed out to them very quickly it could not, there was no way," Mr. Helms said. "But this was a matter that kept coming up in the context of leaks, isn't there somebody else that can take on some of these things if the F.B.I. isn't doing them as well as they should, as there are no other facilities?"

The Times's sources, reflecting the thinking of some of the junior C.I.A. officials who began waving "the red flag" inside the agency, were harshly critical of the leadership of Mr. Helms.

These junior officials are known to believe that the

domestic spying on antiwar activists originated as an allegedly legitimate counterintelligence operation to determine whether the antiwar movement had been penetrated by foreign agents.

In 1969 and 1970, the C.I.A. was asked by the White House to determine whether foreign governments were supplying underlover agents and funds to antiwar radicals and Black Panther groups in the United States. Those studies, conducted by C.I.A. officials who reportedly did not know of the alleged secret domestic intelligence activities, concluded that there was no evidence of foreign support.

"It started as a foreign intelligence operation and it bureaucratically grew," one source said. "That's really the answer."

[illegible] added that Mr. Angleton's counterintelligence department "simply began using the same techniques for foreigners against new targets here."

Along with [illegible] domestic intelligence dossiers, the source said, Mr. Angleton's department began recruiting informants to infiltrate some of the more militant dissident groups.

"They recruited plants, informers and doublers [double agents]," the source said. "They were collecting intelligence and when counterintelligence collects information, you use all of those techniques.

"It was like a little F.B.I. operation."

This source and others knowledgeable about the C.I.A. believe that Mr. Angleton was permitted to continue his domestic operations because of the great power he wields inside the agency as director of counterintelligence.

It is this group that is charged with investigating allegations against C.I.A. personnel made by foreign agents who defect, in other words, it must determine whether a C.I.A. [illegible] defined by a defector is, in fact, a double agent.

Victor Marchetti, a former C.I.A. official said in a [illegible] interview this year that the counterintelligence staff is [illegible] the agency—as well as other elements of the United States Government—is penetrated by the K.G.B.

[illegible] Chief of the C.I.A. [illegible] Mr. Marchetti did not [illegible] Mr. Angleton, it said to [illegible] of the 50 or so key positions in the C.I.A. [illegible] most likely to have been infiltrated by the opposition, and he reportedly keeps the persons in those positions under constant surveillance."

Fear and Awe

[illegible] other former C.I.A. officials recalled in recent interviews [illegible] similar expressions of fear and awe when Mr. Angleton, an accomplished historian and [illegible] who once edited [illegible]

[illegible] former C.I.A. officials as an unrelenting cold warrior who was convinced that the Soviet Union was playing a major role in the antiwar activities.

"He honestly has the kind of spook mentality where he can see conspiracies in everything," one former high-level C.I.A. official said. "For example, he's convinced that too many members of the press had ties to the Soviet Union. Anybody who writes anything friendly to the Soviet Union he considers suspect."

Another former official characterized counterintelligence as "an independent power in the C.I.A. Even people in the agency aren't allowed to deal directly with the C.I. [counterintelligence] people.

"Once in it," he said, "you're in it for life."

Most of the domestic surveillance and the collection of domestic intelligence was conducted, the sources said, by one of the most clandestine units in the United States intelligence community, the special operations branch of counterintelligence. It is these men who perform the foreign wiretaps and break-ins authorized by higher intelligence officials.

'Deep Snow Section'

"That's really the deep snow section," one high-level intelligence expert said of the unit, whose liaison with Mr. Helms was conducted by Howard Ober, a long-time counterintelligence official who has served in New Delhi for the C.I.A.

Despite intensive interviews, little could be learned about the procedures involved in the alleged domestic activities except for the fact that the operation was kept carefully shielded from other units inside the C.I.A.

One former high-level aide who worked closely with Mr. Helms in the executive offices of the agency recalled that Mr. Ober had frequent private meetings with Mr. Helms in the late sixties and early seventies.

"Ober had unique and very personal access to Helms," the former C.I.A. aide said. [illegible] assumed he was more [illegible] with [illegible] than [illegible] Black Panthers."

'Nothing I Can Say'

The official said he had learned that Mr. Ober had quickly assembled "a large [illegible] of people who acquired enormous amounts of data, more than I thought was necessary."

After the unveiling of the domestic operations by Mr. Colby last year, sources said, Mr. Ober was abruptly transferred from the C.I.A. to a staff position with the National Security Council.

"They didn't fire him," one well-informed source said. "But [illegible] was [illegible] around. The C.I.A. had [illegible] rid of him, he was too [illegible] too hot."

The source added that Mr. Ober had vehemently defended his actions as justified by national security.

A Government intelligence official, subsequently asked about Mr. Ober, denied that his transfer to the National Security Council was a rebuke in any way.

Reached by telephone at his office this week, Mr. Ober refused to discuss the issue.

"There's nothing I can say about this," he said.

Mr. Angleton, also reached by telephone this week at his suburban Washington home, denied that his counterintelligence department operated domestically.

"We know our jurisdiction," he said.

Mr. Angleton told of a report from a United States agent in Moscow who was relaying information to the C.I.A. on the underground and radical bombings in the United States during the height of the antiwar activity.

"The intelligence was not acquired in the United States," Mr. Angleton declared. "It came from Moscow. Our source there is still active and still [illegible] the opposition of [illegible]."

Mr. Angleton then described how the C.I.A. had obtained information from dissidents in Moscow about the alleged [illegible] of black [illegible] by the North Koreans [illegible] told of secret intelligence [illegible] involving the K.G.B. and [illegible], chairman of the Palestine Liberation Organization [illegible].

A number of former important F.B.I. domestic intelligence officials made [illegible] with Mr. Angleton's apparent [illegible] [illegible] to the [illegible] was a lot of stuff [illegible] the United States [illegible] received, but he said a [illegible] was worthless.

Other officials closely involved with United States intelligence expressed a [illegible] dismay that the head of counterintelligence could make such random suggestions during a telephone conversation with a newsman.

"You know," said one member of Congress who is involved with the monitoring of C.I.A. activities, "that's even a better story than the domestic spying."

The Student Movement

One former C.I.A. official who participated in the 1969 and 1970 White House studies of alleged foreign involvement in the antiwar movement said that Mr. Angleton "undoubtedly believes that foreign agents were behind the student movement, but he doesn't know what he's talking about."

[illegible] procedures of the C.I.A. under Mr. Helms.

"We dealt with Ober and we dealt with Angleton on these studies, went over them point by point, and Angleton, while not exactly enthusiastic, signed off," the official said.

The official said he could not reconcile Mr. Angleton's decision to permit the studies, which reported finding no evidence of foreign involvement, while mounting an elaborate and secret domestic security operation to root out alleged foreign activities. The results of the studies were forwarded to Henry A. Kissinger, then President Nixon's national security adviser.

A number of former F.B.I. officials said in interviews that the C.I.A.'s decision to mount domestic break-ins, wiretaps [illegible] similarly illegal counterintelligence operations [illegible] reflected, in part, long standing mistrust between the two agencies.

[illegible] Mr. Hoover reportedly ordered his [illegible] to break off all but formal liaison contact with the C.I.A., forbidding lower level C.I.A. and F.B.I. officials to make clandestine arrangements to exchange information.

By the late sixties, one former F.B.I. official said, all but token cooperation between the two agencies on counterintelligence and counterespionage had ended.

"The C.I.A. was never satisfied with the F.B.I. and I can't blame them," the former official said. "We did [illegible] jobs."

'Cutting Throats'

"We were constantly cutting the throats of the C.I.A. [illegible] dealing with them. If the White House knew about it, they were too afraid of Hoover to do anything about it."

See book, KGB

The former aide cited a case in the late sixties in which Mr. Angleton turned to F.B.I. for a domestic investigation because he "believed four or five guys were agents, including two guys still in the agency [C.I.A.] and three or four who had been high-level."

"They were suspected of having dealings with foreign intelligence agents," the former official said.

"We just went through the motions on our investigation. It was just a brushoff."

Before Mr. Hoover's decision to cut off the working relationship, the former official added, the F.B.I.—as the agency responsible for domestic counterintelligence—would, as a matter of policy, conduct a major clandestine inquiry into the past and present C.I.A. men.

Despite Mr. Hoover's provocative actions, the former F.B.I. man said, the C.I.A. still was not justified in taking domestic action.

"If they did any surreptitious bag jobs [break-ins]," he said, "they'd better not have told me about it."